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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,103	01/28/2004	Jeong Chae Youn	2950-0283P	9717
2292	7590	01/19/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			COLEMAN, VANESSA V	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2112	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE		DELIVERY MODE
3 MONTHS		01/19/2007		ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/765,103	YOUN, JEONG CHAE
	Examiner	Art Unit
	Vanessa (Brandi) Coleman	2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 January 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/4/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on 28 January 2003. It is noted, however, that applicant has not filed a certified copy of the 10-2003-0005556 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the optical disk" in line 4 of Claim 1. There is insufficient antecedent basis for this limitation in the claim. Proper correction is required. Claims 2-7 are included in the rejection because of their dependency.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda, US 2002/0191504 (hereinafter, '504) in view of Shihara, US 6,680,887 (hereinafter, '887)

Claim 1 of the claimed invention reads: A method for adjusting focus bias in an optical disk device, comprising the steps of: a) detecting a physical information data area recorded in a data area of the optical disk in a dispersed manner; b) measuring a jitter value for areas other than the detected physical information data area; and c) repeatedly performing the step a) and the step b) while varying a focus bias offset value in a stepwise manner, and setting an optimal focus bias offset value based upon the jitter values measured while repeatedly performing the step a) and the step b).

The reference '504 discloses an optical disk device in which the focus offset value is optimized. In [0013] of '504, the reference teaches that "a change in jitter with respect to the variation of the focus offset" may be used in determining the optimal focus offset. Further, replay, or repeated detection, of signals is discussed in [0012] of '504. Reference '504 does not teach "detecting a physical information data area recorded in a data area of the optical disk in a dispersed manner" or the claimed

method of repeatedly detecting the physical information data area and measuring jitter, while varying a focus bias offset value in order to set an optimal focus bias value based on the measured jitter values.

The reference '887 discloses an optical disk apparatus that includes a jitter measuring section, which employs a method of "determining a minimum value of the jitter in an initial area of an X-Y plane" (Abstract). In column 3, lines 28-38 of the reference, an embodiment of the invention is disclosed in which the jitter "is measured among the first or second jitter measuring points except for the area in which the jitter is incapable of being measured." Therefore, the invention avoids measuring the jitter in the area for which the jitter was incapable of being measured, thus requiring the optical disk apparatus to detect that section. Further, it can be said that neither this section, nor the remaining first and second divided areas of the disclosed invention, are a physical information data, or PID, area of the optical disk.

Both of the referenced inventions relate to optical disk devices for use with recordable or rewritable optical disk devices, including DVD-RAMs.

It would have been obvious then, to a person of ordinary skill in the art at the time of the invention to modify reference '504 to include the teachings of reference '887, as reference '887 provides a means for excluding a particularly detected region of an optical disk, while measuring a jitter value, in order to successfully measure a minimum jitter value for the region (col. 3, lines 31-35).

Claim 6 of the invention reads: The method according to claim 1, wherein a focus bias offset value, from the focus bias offset values varied in a stepwise manner, at which the smallest jitter values is measured is set as the optimal focus bias offset value.

Figures 15 and 16 of the reference '504 disclose a minimum jitter value being found at the optimum focus offset value of the optical disk. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to set the optimal focus bias offset value as that which is found at the smallest jitter value, as claimed by the present invention.

***Allowable Subject Matter***

5. Claims 2-5 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takamine et al. (US-6,240,055)

Ichimura et al. (US-2003/0147332)

Takaoka et al. (US-2003/0169649)

Nishia, Norio (US-7,065,017)

Takayuki, Masuda (JP-11189719)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Monday thru Friday 7:30-5 EST, First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Ghandi can be reached on (571) 272-9820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa Coleman  
Art Unit 2112

VC

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JAYPRAKASH GANDHI  
SUPPLYING PATENT EXAMINER